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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,070	08/18/2003	David Bolt	01925-P0222A	4189
24126	7590	10/07/2004	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			SCHWARTZ, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER

3683

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,070

Applicant(s)

BOLT ET AL.

Examiner

Christopher P. Schwartz

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-852)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement has been received and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1- 7, 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haviland et al. in view of Sorum et al. or US publication '840 to Sulzyc et al.

Regarding claims 1, 11, 14, 18 Haviland et al. discloses an air spring 20, a height control valve 10, 48, an intake port 34, an exhaust port 40 with the height control valve acting to restrict fluid flow to and from the fluid spring (col 4 lines 59-63).

Haviland et al. Lacks a specific showing of a restriction valve as claimed.

Art Unit: 3683

Sorum et al. Teaches it is known to integrate such valves into a valving system. See element 210, 310 or 410 in figures 13-15. See the discussion in column 7 lines 31-50.

The U.S. publication to Sulzyc et al. teaches a leveling valve at 9 and a switching or open and close valve at 21. Also see the several different embodiments.

Because it is known to make singular parts plural and to make plural parts singular to reduce costs one having ordinary skill in the art at the time of the invention would have found it obvious to have made included a restriction valve in the height control valve of Haviland et al. or to have made it separately therefrom to open and close communication between the height control valve and the air spring, as taught by either Sorum et al. or U.S. publication '840, simply to regulate the vehicle desired height dependent upon such known predetermined conditions as load, stability control, roll control etc.

The limitations of claims 2-7, 12, 13-17 are considered to be met or rendered obvious by the combined teachings of the references above.

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haviland et al. in view of Sorum et al. or US publication '840 to Sulzyc et al. and Buma et al. '554 or Raad et al. '647.

Regarding claim 8 the references to Haviland in view of Sorum et al. or Sulzyc et al. Are relied upon as above.

However Haviland, as modified, lacks discussing comparing selected vehicle height to measured vehicle height and then generating a correction signal.

Art Unit: 3683

As broadly claimed, the references to Buma or to Raad each teach this known idea. See Buma at least col. 2 lines 25-35. See Raad at least col. 7 lines 35-45.

One having ordinary skill in the art would have found it obvious to have provided the system of Haviland, as modified, with a controller that performs a height calculation/selection routine as taught by either Buma or Raad to offer a vehicle height control system that lets the driver select a safe riding height or one that automatically compensates for changing vehicle conditions based upon predetermined operating requirements.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited have been cited for showing other types of leveling systems.

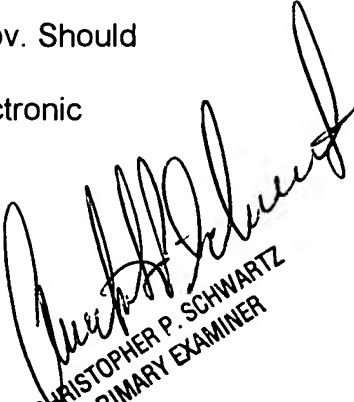
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
9/30/04


CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER